From: Steve at The Otter Project [mailto:steve1096@sbcglobal.net]
Sent: Saturday, October 15, 2005 3:55 PM
To: mlpacomments@resources.ca.gov
Subject: MLPAComments: Comments on Draft Evaluation Matrix, north and south, and Appendix 1, 2, 3

Dear I-Team Members:

Hello! Please accept the attached comments from The Ocean Conservancy, The Otter Project, and NRDC. Thank you for your hard work and consideration.

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October 14, 2005

MLPA Public Comments
c/o The California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814
Attn: MLPA Initiative Team

RE: Comments on Evaluation of Existing Central Coast Marine Protected Areas

Dear MLPA Initiative Team:

We appreciate the opportunity to comment on the Draft Evaluation of Existing Central Coast Marine Protected Areas (hereinafter "Draft Evaluation"). Overall, this document provides useful information for assessing the existing marine protected areas (MPAs) in the Central Coast Study Area and identifying the significant gaps in protection that currently exist. We do have several specific suggestions for improvement of the document as noted below.

Overall Concerns

We are concerned that the Draft Evaluation's emphasis on identifying gaps in various habitat types included in the existing array of MPAs in the Central Coast Study Region may give the impression that simply being included in an existing MPA is sufficient "protection" to meet the goals and objectives of the Marine Life Protection Act. This is clearly not the case. The MLPA has a strong focus on representative habitats, explicitly requiring such protection to be in marine life reserves and not simply in Marine Protected Areas. The MLPA requires that "[m]arine life reserves in each bioregion shall encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions" and "similar types of marine habitats and communities shall be replicated, the to extent possible, in more than one marine life reserve in each biogeographical region." (F&G Code Section 2857 (2) and (3))

Furthermore, the scientific guidelines contained in the Master Plan Framework make clear that the existing marine reserves in the study region are far too small to be effective.

A simplified method of identifying whether existing (and proposed) MPAs meet the requirements of the MLPA, the scientific guidelines contained in the Master Plan Framework and the CCRSG Goals, Objectives and Design Considerations is helpful. Appendices I-III provide useful thumbnail analyses to help achieve this goal. However, the Appendices may give the reader the mistaken impression that existing MPA and other spatial closures can, without modification, be used to meet the MLPA's requirement of protecting and replicating representative habitats.

Additionally, there are also ways the checklist could be improved. For example, because the MLPA requires replication of habitat in more than one marine reserve in a region, it would be useful for the checklist to include a column for identifying how many marine reserves in the relevant

bioregion contain a particular habitat of a significant amount. In summary, we are concerned that the Draft Evaluation gives an overall impression that the requirements of the MLPA can be met by a "checklist" approach –where the mere presence of habitat type in a marine reserve (or even in an MPA or other spatial closure) is sufficient to consider that habitat "represented." Clearly such an approach would not be scientifically supportable or meet the fundamental requirements of the MLPA.

Specific Comments

Executive Summary

The Executive Summary provides a brief description of the extent of specific habitat types included in MPAs (and other spatial closures) along the Central Coast. Page 3, paragraph 1 should include the percentage of the Central Coast study area contained in SMR as well as in total MPAs. We suggest modification of the text in paragraph 2 of page 5 to very explicitly note that the existing MPAs lack effective management measures and thus in the words of the MLPA itself: "the array of MPAs creates the illusion of protection while falling far short of its potential to protect and conserve living marine life and habitat." (F&G Code Section 2851) This paragraph should also include text explicitly stating that the MLPA requires representative habitats to be included with marine reserves.

2.0 Evaluation of Existing MPAs

Page 10: The basic Evaluation of the Año Nuevo Special Closure should explicitly note that the existing MPA does not meet the Science Advisory Team (SAT) Guidelines with regard to size and offshore extent, limits protection to invertebrates and does not provide year round protection.

Page 11: The Basic Evaluation of Elkhorn Slough State Marine Reserve should note that the existing SMR is very small (only 1.02 nms) and does not provide comprehensive protection of the nursery ground provided by the Elkhorn Slough.

Page 12: The Basic Evaluation of Hopkins Marine Reserve should include both a cite to and the conclusion of the Starr et al (2002) Review of the Ecological Effectiveness of Subtidal Marine Reserves in Central California: "The exceedingly small size of existing marine reserves in Central California prevents them from achieving many of the goals and benefits attributed to marine reserves in the scientific literature." Starr et al. (2002) at 12.

Page 13: The Basic Evaluation of Pacific Grove State Marine Conservation Area should note that the area does not meet the basic SAT Guidelines in terms of offshore extent and provides little in the way of resource protection since only certain invertebrates are protected from take. It is not clear that this existing MPA provides any real protection as compared to an area outside an MPA.

Page 15: What is the basis of the Basic Evaluation's conclusion that the existing level of use in the Carmel Bay State Marine Conservation Area "appears to be sustainable"? Please provide citations to any available research suggesting the existing regulations may be sufficient in this MPA.

Page 16: The Basic Evaluation of Point Lobos State Marine Reserve should include both a cite to and the conclusion of the Starr et al (2002) Review of the Ecological Effectiveness of Subtidal Marine Reserves in Central California: "The exceedingly small size of existing marine reserves in

Central California prevents them from achieving many of the goals and benefits attributed to marine reserves in the scientific literature." Starr et al. (2002) at 12.

Page 19: The Basic Evaluation of Big Creek State Marine Reserve should include both a cite to and the conclusion of the Starr et al (2002) Review of the Ecological Effectiveness of Subtidal Marine Reserves in Central California: "The exceedingly small size of existing marine reserves in Central California prevents them from achieving many of the goals and benefits attributed to marine reserves in the scientific literature." Starr et al. (2002) at 12.

Page 19, 20, 21: The Basic Evaluation for Atascadero Beach, Morro Beach, and Pismo-Oceano State Marine Conservation Areas should note that these areas not only fail to meet their original objectives but do not meet any other objectives given the fact that they do not regulate any activities other than clam harvest. These SMCAs cannot be considered to "protect" sandy bottom habitats since they do not provide any additional protection as compared to areas outside the MPAs. Also of concern is the fact that these SMCAs result in an artificially high "average" size for the existing MPAs in the Central Coast Study Area since they cover relatively large areas (by extending out to the 3 mile limit) but provide no actual protection to marine life or habitats.

3.0 Gap Analysis

Page 23: Again, the text here should include some reference to the fact that the "gap analysis" is not limited to a checklist of habitats but also recognizes that most of the existing regulations that apply to the existing MPAs are not adequate to provide meaningful protection to marine life within the MPAs.

General Comments on Appendices

Note - much of the following was submitted to the I-Team as comments on an earlier draft of the Evaluation Criteria.

Design Considerations

The proposed measure/indicator for the Design Consideration related to protecting the species contained in the Nearshore Fishery Management Plan and Abalone Recovery and Management Plan should be revised. The appropriate measure/indicator should include the suite of objectives contained in the Nearshore Fishery Plan. Therefore, to comply with this Design Consideration, existing MPAs must not only prohibit directed fishing for the19 NFMP species within the long-term protection of an MPA, but also prohibit significant bycatch of these species. The area protected should be a formally productive area that is no longer heavily used, an area that enhances distribution of or retains larvae, and be large enough to address the biological characteristics of the fish (typical adult movement, etc). For existing MPAs to be considered effective at contributing to abalone recovery, the MPA should meet at least four of the criteria outlined in the ARMP.

Goal 1:

Objective 3: A list of species or the presence of an indicator species is an inappropriate measure of whether a natural size and age structure exists. If monitoring data does not currently exist for these MPAs related to the size range and age structure of the fish within them, this absence of data should simply be noted. It is fine to identify which of the "key" species occur within the MPA

but this should not be interpreted as any indication of the success of the MPA at meeting objective 3.

Objective 4: Protection of trophic structure and food webs requires a marine reserve to be large enough to protect the typical movements of a range of species and their interactions.

Objective 5: Protecting ecosystem structure and function also implies that a large enough area is included in the marine reserve so that it can provide a meaningful level of protection. For example, created a marine reserve in a tiny area of kelp forest immediately adjacent to the thermal outfall at a power plant would be unlikely to meet objective 5. In this case it is not sufficient that an area be a no-take marine reserves for it to meet objective 5. The MPA must also be of a sufficient size and protected from activities likely to disrupt ecosystem function. This problem could be addressed with a footnote reference to the size guidelines.

Goal 2

Objective 1: Presence of key species is not a sufficient indicator to determine compliance with Objective 1. The MPA must, at a minimum, prohibit take of these species and be large enough to "encompass the typical movements of many individuals": (SAT Guidelines in MPF at 39) for these species as well as their important prey species, etc.

Objective 2: Same as above. Over time, the measure for this objective must be the number of large individuals present in the MPA. Although we have not yet had the opportunity to review the list of species most likely to benefit, we assume that measures for fish will be very different from measures for birds or sea otters.

Objective 3: The measure should not be simply whether surface fishing is allowed. The MPA must, at a minimum, prohibit take of those species it is designed to protect and be large enough to "encompass the typical movements of many individuals" (SAT Guidelines in MPF at 39) for these species as well as their important prey species, etc.

Goal 3

Objective 4: A list of species is not an inappropriate measure of whether a natural size and age structure exists. See Goal 1, Objective 3 above.

Goal 4

Objective 2: Measurements are appropriate but should also include identification of whether representative habitats are in marine reserve and are replicated (as per requirements of the MLPA).

Goal 5:

Objective 1: This objective may be inappropriate for existing MPAs, as many were created without clearly defined goals and objectives. Evaluation of current MPAs should focus on whether a site *could* contribute to the network and what goals it could help achieve.

Comments on Appendix I

Page 3: Design Consideration #9 - The Año Nuevo Special Closure area has monitoring for birds, marine mammals, forage studies (PRBO) and shark studies/tagging have been done in the area by PSRF.

Pages 4-5: Elkhorn Slough SMR -The existing SMR's area is too small to effectively protect trophic structure (Goal 1, Obj. 4) or ecosystem functions (Goal 1. Obj.5). The benchmarks for Goal 2, Objective 2 should be broad enough to include a nursery area like Elkhorn Slough. Developing a species likely to benefit from MPAs list that excludes elasmobranches because they are mobile, leads to an irrational result – precluding protection of areas important to specific life stages where such species are most vulnerable (such as nursery habitats). (Goal 5, Obj. 2) The area of this SMR is very small even though its shore span is moderate.

Page 4: Hopkins SMR - The area of Hopkins is too small to effectively achieve Goal 1, Objectives 4 and 5.

Pages 6-7: The presence of species based on RSG members input should not be included - data too spotty and the data quality too variable.

Comments on Appendix III

The fixed Rockfish Conservation Area is a spatial fisheries management tool but it is not an MPA. Its boundaries are subject to revision every season (or even more often). Since the RCA is not a marine reserve, it cannot be used to meet the MLPA's requirements for replication and representative habitats. However, locating MPAs (including marine reserves) to take advantage of the existing RCA closures may be a reasonable way to reduce socio-economic impacts.

Thank you for your consideration of these comments.

Sincerely,

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The Ocean Conservancy

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The Otter Project

Karen Garrison
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